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EXAMINER	
PAUL, DISLER	

ART UNIT	PAPER NUMBER
2615	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/679,598	MC CALL ET AL.
	Examiner	**Art Unit**
	DISLER PAUL	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 25 July 2008.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-4;7-19,22-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-4,7-19 and 22-26 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In response to applicant's argument/amendment that Himmelstein fail to disclose of the "vehicle access code" has been analyzed and *under a broad definition of such feature* of having vehicle access code can be simply read as a voice command to provide user with access to the vehicle as indeed disclosed by Himmelstein and thus such argument is unpersuasive.

However, the examiner has considered the amended claim wherein the first audible access code with a first spoken sequence of alphanumeric characters being different from the second audible access code with a second spoken sequence of alphanumeric characters and rejected in view of Von Bosse et al. (US 2003/0229499 A1).

a. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 10-11; 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein ("6,496,107 B1") and Von Bosse et al. (US 2003/0229499 A1).

Re claim 1, Himmelstein et al. disclosed of the sound processing system for use in an automotive vehicle of the type which includes and adjustable feature; at least one door and door-lock; said processing system comprising at least one sound sensor coupled to said vehicle for receiving sound external to said vehicle("*fig.1/50; col.2 line 50-51; col.4 line 54-56/particular action/adjusting feature with each voice template); and* a sound processor coupled to said at least one sound sensor for comparing said sound to a set of characteristics an audible vehicle access code ("*fig.1(30,32,44);fig.3; col 7. line*

40-67; col.1 line 65-67/voice is authenticated for access to vehicle with comparison from (32); col. 3 line 42-49, table-1").

But, Himmelstein et al. fail to disclose of the access code being of the specific wherein comprising a first spoken sequence of alphanumeric characters and a second predetermined set of characteristics corresponding to a second audible access code comprising a second spoken sequence of alphanumeric characters different from the first spoken sequence of alphanumeric characters. But, Von Bosse et al. does disclose of an accessible code wherein such specific comprising a first spoken sequence of alphanumeric characters and a second predetermined set of characteristics corresponding to a second audible access code comprising a second spoken sequence of alphanumeric characters different from the first spoken sequence of alphanumeric characters (fig.1 wt (14,24,26);par [0027-0029; 0031;0034-0035]/customized personal access code from plurality of users) for purpose of providing the customized authorized access to system. Thus, taking the combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modified Himmelstein et al. with the comprising a first spoken sequence of alphanumeric characters and a second predetermined set of characteristics corresponding to a second audible access code comprising a second spoken sequence of alphanumeric characters different from the first spoken sequence of alphanumeric characters for purpose of providing the customized authorized access to system.

The combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, further teach of the configuring to unlock said door-lock when said sound substantially match substantially matches at least one of said first predetermined set of characteristics and said second predetermined set of characteristics audible vehicle access code ("*col.1 line 66 up to col.2 line 5;fig.3; col.3 line 1-9/ door to be unlocked according to customized code*"), while Himmelstein is silent regarding the door lock module, he did disclose of the door lock/unlock ("col.2 line 4"), thus with the above disclosure it is inherent that there must exist of the existence of the door lock module.

The combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, teach of the Wherein said sound processor is further configured to cause the adjustable feature to be adjusted: in a first manner when said sound substantially matches said first predetermined set of characteristics, and in a second manner when said sound substantially matches said second predetermined set of characteristics (col.4 line 54-57; Table-1/adjustable feature based on customized voice command *along with particular action*).

Re claim 2, a sound processing system according to claim 1 wherein said at least one sound sensor is a microphone ("*fig.1(50)*").

Re claim 3, a sound processing system according to claim 2 further comprising a user input coupled to said sound processor and located substantially on said vehicle's exterior for activating said sound processor when said vehicle is not occupied ("*fig.1(22); col.3 line 1-8,col.4 line 50-54,col.7 line 15-30* ").

Re claim 4, a sound processing system according to claim 3 wherein said sound processor is activated for a predefined time period("col.6 line 12-16").

Re claim 10, a sound processing system according to claim 6, However, the combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, fail to disclose of the further limitation wherein the user input comprises at least one door handle. However, official notice is taken that the limitation of the user input comprises at least one door handle is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to modify the combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, by incorporating the limitation of the user input comprises at least one door handle for providing the additional feature of manual user entry to the vehicle.

Re claim 11, a sound processing system according to claim 10 further comprising a feedback generator for providing a user recognizable response when at least a part of said access code is recognized by said processor("*col.6 line 18-35; fig.1 (42,46)*").

Re claim 13, a sound processing system according to claim 11 wherein said feedback generator comprises a display, However, the combined teaching of Himmerlstein et al. and Carter as a whole, fail to disclose of the specific wherein the feedback comprises a light-emitting diode. However, official notice is taken the concept of having a feedback comprises a light-emitting diode is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Himmerlstein et al. and Carter as a whole, with the feedback comprises a light-emitting diode for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound.

Re claim 14, a sound processing system according to claim 11 wherein said feedback generator comprises a sound generator ("*see claim 11 rejection*").

4. Claims 7-9, 12; 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein ("6,496,107 B1") and Von Bosse et al. (US 2003/0229499 A1) and further in view of Carter ("2002/0150262 A1).

Re claim 7, a sound processing system according to claim 1 wherein said sound is further configured to compare said sound to a second predetermine set of characteristic ("*col.4 line 47-65/lock and audio functions*"), while, the combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, disclose of the above, they fail to disclose of the characteristic is corresponding to an emergency alert. However, Carter did disclose of the above wherein the characteristic is corresponding to an emergency traffic alert ("page 1[0013]") for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle. Thus, taking the combined teaching of Himmelstein et al. and Von Bosse et al. and Carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify the combined teaching of Himmelstein et al. and Von Bosse et al. as a whole, by incorporating the limitation of the characteristic is corresponding to an emergency traffic alert for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle.

Re claim 8, a sound processing system according to claim 7 further comprising a vehicle occupancy sensor coupled to said sound processor ("Hilmerstein,*fig.4/(122,158,30),col.7 line 35-66/to enable determining vehicle occupancy*) and the inherent feature wherein further comprising a vehicle occupancy and the sound processor configure to compare said sound signal to certain sets of predetermined characteristic including said first and second set of predetermined characteristic when said vehicle occupancy sensor indicates the vehicle is occupied (Hilmerstein,col.8 line 1-8 & further col.7 line 55-67/certain tasks permit to performed only during occupancy") and to other set of predetermined characteristic including the third set of predetermined characteristic when said vehicle occupancy sensor indicates that the vehicle is unoccupied("col.2 line 2-7 & col.8 line 5-7").

Re claim 9, a sound processing system according to claim 8 wherein said emergency traffic alert is a siren ("*Carter,page 1[0013] line 8-9*").

Re claim 12, a sound processing system according to claim 11, However, the combined teaching of himmerlstein and Von Bosse et al. as a whole, fail to disclose of the further limitation wherein said feedback generator comprises a display. However, carter disclose of a system wherein the feedback generator comprises a display("*Carter,paragraph [0024,0018]*") for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound, thus taking the combined teaching of Himmerlstein et al. and Von Bosse et al. and Carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify the combined teaching of himmerlstein and Von Bosse et al. as a whole, by incorporating the feedback generator comprises a display for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound.

Re claim 15, a sound processing system according to claim 8, However, the combined teaching of teaching of Himmelstein et al. and Von Bosse et al. and Carter (old teaching) as a whole, fail to disclose of the further limitation wherein at least one microphone comprises at least a first microphone located proximate a front end of said vehicle and at least a second microphone located proximate a back end of said vehicle. However, Carter disclose of a system wherein the similar concept of having various microphones at multiple locations around the car to pick up sounds conditions ("*Carter, Page 2[0014] line 1-8*") for the purpose of detecting or capturing of different sounds at various locations of the vehicle. Thus, taking the combined teaching of Himmelstein and carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify Himmelstein et al. and Carter as a whole, by incorporating the similar concept of having various microphones at multiple locations around the car to pick up sounds conditions for the purpose of detecting or capturing of different sounds at various locations of the vehicle.

5. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein (“6,496,107 B1”) and Carter (“2002/0150262 A1) and Arling et al. (US 6,629,077 B1).

Re claim 25, Himmelstein disclose of a method for providing keyless entry to an automotive vehicle and for alerting an occupant of said vehicle of an external emergency sound, said vehicle having at least one door equipped with a door lock and door access mechanism(“*col.1 line 66 up to col.2 line 5;fig.3*”), said method comprising receiving an external sound (“fig.1(50)”); determining if the vehicle is occupied (“Hilmerstein,*fig.4/(122,158,30),col.7 line 35-66/to enable determining vehicle occupancy*), and the inherence feature wherein if the vehicle is occupied, comparing said sound with a set of characteristics (Hilmerstein,col.8 line 1-8 & further col.7 line 55-67/certain tasks permit to performed only during occupancy”) and if the vehicle is unoccupied comparing said sound to another set of characteristic including a spoken vehicle access code ((“col.2 line 2-7 & col.8 line 5-7”).

However, Carter did disclose of wherein the characteristic is corresponding to an emergency traffic alert (“page 1[0013]”) for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle. Thus, taking the combined teaching of Himmelstein et al. and Carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify the combined teaching of Himmelstein et al. by incorporating the limitation of the characteristic is corresponding to an emergency traffic alert for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle.

The combined teaching of Himmelstein et al. and Carter as a whole, teach of the generating a user recognizable alert if said sound substantially matches said first set (col.7 line 50-65, fig.1 wt(44,48)) and unlocking said door if said sound substantially matches said second set("*col.1 line 66 up to col.2 line 5;fig.3*").

While, the combined teaching of Himmelstein et al. and Carter as a whole, disclose of the above, they fail to disclose of the having the access code comprising a sequence of alphanumeric characters, However, Arling et al. disclose of a system for obtaining access wherein the similar concept of having the audible access code comprises a sequence of alphanumeric characters (col.6 line 8-16) for the purpose of enabling the user to transmit valid voice input as individual characters to operate the electronic device.

Thus, taking the combined teaching of Himmelstein and carter and Arling et al. as a whole, it would have been obvious for one of the ordinary skill in the art at the time of the invention to have incorporated the obtaining access wherein having the audible access code comprises a sequence of alphanumeric characters for the purpose of enabling the user to transmit valid voice input as individual characters to operate the electronic device.

Re claim 26, a method according to claim 25, However, the combined teaching of Himmelstein and carter and Arling et al. as a whole, fail to disclose of wherein said user recognizable alert is a visual alert. But, carter disclose of a system wherein said user recognizable alert is a visual alert ("*Carter,paragraph [0024,0018]*") for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound. Thus, taking the combined teaching of Himmelstein and carter (old and new) and Arling et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modified the combined teaching of Himmelstein and carter (old teaching) and Arling et al. as a whole, with the system wherein said user recognizable alert is a visual alert for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound.

6. Claims 16-19, 22-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein ("6,496,107 B1") and Carter ("2002/0150262 A1).

Re claim 16, Himmelstein disclose of a sound processing system for use on an automotive vehicle of the type which includes at least one door a door handle, said system comprising: at least one sound sensor coupled to the exterior of said vehicle for receiving an external sound ("*fig.1(50)*"; a vehicle occupancy sensor for indicating when said vehicle is occupied ("*fig.1 ((122,158)*"); an alert generator for notifying an occupant of said vehicle ("fig.1(42,46)"); while Himmelstein is silent regarding the control module couple to said door lock for unlocking door, he did disclose of the door lock/unlock ("col.2 line 4"),thus with the above disclosure it is inherent that there must exist of the existence of the control module couple to said door lock for unlocking door. A sound processor configured to receive said external sound and coupled to said vehicle occupancy sensor ("*fig.1(122,158),(50,30)*", col. 7 lines 55-66), said alert generator ("*fig.1/42,46*"), and the inherent feature wherein said door control module for comparing said sound to a first set of characteristic if said vehicle is occupied (col.8 line 1-8 & further col.7 line 55-67/certain tasks permit to performed only during occupancy") and to a second set of characteristic is said vehicle is unoccupied ("col.2 line 2-7 & col.8 line 5-7") and said sound processor for activating said alert generator if said vehicle is occupied and said sound substantially matches said first set ("*fig.1/(122,158); table 1, col.4 line 55 up to col.5 line 5/passenger have priority when to generate sound when voice match particular commands during occupancy*") and for activating said door control module if said sound substantially matches said second set and the vehicle is unoccupied ("*col.2 line 1-7*").

While, Himmelstein disclose of the above limitation, he fail to further disclose of the notifying an occupant of said vehicle when said external sound is an emergency signal. However, Carter disclose of a system wherein the notifying an occupant of said vehicle when said external sound is an emergency signal ("*fig.1/(25,20)*") for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle. Thus, taking the combined teaching of Himmelstein et al. and Carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify Himmelstein et al. by incorporating the limitation of the characteristic is corresponding to an emergency traffic alert for the purpose of enabling the occupant of a vehicle important emergency sounds outside of the vehicle.

The combined teaching of Himmelstein et al. and Carter as a whole, disclose of the specific wherein said first set of characterisitc corresponding to an emergency traffic alert (carter, fig.1) and said second set of characteristic corresponding to spoken multi digit access code (Himmelstein; Table-1).

Re claim 17, a sound processing system according to claim 16 wherein said at least one sound sensor is a microphone ("*fig.1(50)*").

Re claim 18, a sound processing system according to claim 17, However, the combined teaching of Himmelstein et al. and Carter as a whole, fail to disclose of the further limitation wherein said sound processing system is activated upon actuation of said door handle. But, official notice is taken that the limitation of wherein the wherein said sound processing system is activated upon actuation of a component in a door handle is commonly known in the art. Thus, taking the combined teaching of Himmelstein and Carter as a whole, it would have been obvious for one of the ordinary skill in the art to modify Himmelstein and carter as a whole, by incorporating the further limitation wherein sound processing system is activated upon actuation of a component in a door handle for the purpose of providing wake up signals for a short period of time.

Re claim 19, a sound processing system according to claim 18 wherein said sound processor is activated for a predefined time period("col.6 line 12-16").

Re claim 22, a sound processing system according to claim 16 further comprising a feedback generator for providing a user recognizable response when at least a part of said access code is recognized by said processor("*col.6 line 18-35; fig.1 (42,46)*").

Re claim 23, a sound processing system according to claim 22, However, the combined teaching of himmerlstein and Carter (old teaching) as a whole, fail to disclose of the further limitation wherein said feedback generator comprises a display. However, carter disclose of a system wherein the feedback generator comprises a display("*Carter,paragraph [0024,0018]*") for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound, thus taking the combined teaching of Himmerlstein et al. and Carter (old and new teaching) as a whole, it would have been obvious for one of the ordinary skill in the art to modify the combined teaching of himmerlstein and Carter al. as a whole, by incorporating the feedback generator comprises a display for the purpose of notifying distracted occupant in vehicle of occurrence of detected sound.

Re claim 24, a sound processing system according to claim 16, However, the combined teaching of teaching of Himmelstein et al. and Carter (old teaching) as a whole, fail to disclose of the further limitation wherein at least one microphone comprises at least a first microphone located proximate a front end of said vehicle and at least a second microphone located proximate a back end of said vehicle. However, Carter disclose of a system wherein the similar concept of having various microphones at multiple locations around the car to pick up sounds conditions ("*Carter, Page 2[0014] line 1-8*") for the purpose of detecting or capturing of different sounds at various locations of the vehicle. Thus, taking the combined teaching of Himmelstein and carter (old and new teaching) as a whole, it would have been obvious for one of the ordinary skill in the art to modify Himmelstein et al. and Carter as a whole, by incorporating the similar concept of having various microphones at multiple locations around the car to pick up sounds conditions for the purpose of detecting or capturing of different sounds at various locations of the vehicle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./
Examiner, Art Unit 2615

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2615